

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

LATOYA BROWN; LAWRENCE BLACKMON; HERBERT ANTHONY GREEN; KHADAFY MANNING; QUINNETTA MANNING; MARVIN MCFIELD; NICHOLAS SINGLETON; STEVEN SMITH; BESSIE THOMAS; and BETTY JEAN WILLIAMS TUCKER, individually and on behalf of a class of all others similarly situated,

Plaintiffs,

v.

MADISON COUNTY, MISSISSIPPI; SHERIFF RANDALL S. TUCKER, in his official capacity; and MADISON COUNTY SHERIFF'S DEPUTIES JOHN DOES #1 through #6, in their individual capacities,

Defendants.

Civil Action No.  
3:17-cv-00347-WHB-LRA

**PLAINTIFFS' UNOPPOSED  
MOTION TO EXCEED THE  
PAGE LIMITATIONS FOR  
BRIEFING ON PLAINTIFFS'  
MOTION FOR CLASS  
CERTIFICATION**

Plaintiffs respectfully move the Court for an order permitting the parties to exceed the page limitations provided in Rule 7(b)(5) of the Uniform Local Rules of the United States District Courts for the Northern and Southern Districts of Mississippi in connection with the briefing on Plaintiffs' forthcoming Motion for Class Certification. In support of this motion, Plaintiffs would show as follows:

1. On May 8, 2017, Plaintiffs filed a Class Action Complaint ("Complaint") against Madison County Sheriff Randall S. Tucker and Madison County, Mississippi (collectively, "Defendants") asserting class claims for injunctive relief to redress Defendants' violations of the Fourth and Fourteenth Amendments to the United States Constitution. Because of the scope and

duration of the discriminatory policing policies at issue, and the number of named Plaintiffs who have asserted claims, the Complaint is 86 pages long and consists of 337 paragraphs.

2. On June 29, 2017, Defendants filed a 46-page long Answer in which Defendants have asserted 47 separate affirmative defenses. Defendants' Answer also sets forth detailed allegations and contentions in response to the Complaint.

3. Discovery in this action has been extensive. To date, Plaintiffs have conducted 26 depositions, and Defendants have conducted 8 depositions. Defendants have produced tens of thousands of pages of documents, including tens of thousands of separate incident reports and CAD entries representing 118,000 separate police encounters.

4. Pursuant to the Case Management Order entered in this action on August 9, 2017, Plaintiffs were originally scheduled to file their Motion for Class Certification on or before January 30, 2018. Plaintiffs moved to modify the Case Management Order to extend the deadline for moving for class certification. On January 18, 2018, the Court granted Plaintiffs' Motion to Modify the Case Management Order, and issued an Order requiring Plaintiffs to file their Motion for Class Certification on or before March 14, 2018.

5. Local Rule 7(b)(5) limits a movant's original brief and reply brief to a total of 35 pages, and also limits the respondent's brief to 35 pages.

6. Because of the scope and importance of the Fourth and Fourteenth Amendment claims at issue, Plaintiffs anticipate filing memoranda of law in support of their Motion for Class Certification that exceed the page limitations set forth in Local Rule 7(b)(5). Plaintiffs will require a substantial number of pages simply to detail the facts and evidence that support of class certification. Plaintiffs will also need additional pages to show their entitlement to class certification under Federal Rules of Civil Procedure 23(a) and (b)(2). While Plaintiffs intend to

make every effort to be as succinct as possible, Plaintiffs expect that they will be unable to comply with the page limitations of Local Rule 7(b)(5). Plaintiffs will also need sufficient pages to allocate to their reply memorandum in order to respond fully to the issues raised by Defendants in their opposition memorandum.

7. Plaintiffs therefore respectfully request an extension of the page limitations set forth in Local Rule 7(b)(5) to seventy (70) pages for each side, with Plaintiffs' allotment of pages divided between Plaintiffs' opening memorandum of law in support of their Motion for Class Certification and Plaintiffs' reply memorandum.

8. Plaintiffs have conferred with counsel for Defendants, who do not oppose this motion. Specifically, counsel for Defendants have advised Plaintiffs that they "will not oppose an extension of up to 70 pages so long as an equal number of pages is provided for each side" (Jan. 22, 2018 Letter from M. Wallace, Esq. to J. Youngwood, Esq.).<sup>1</sup>

---

<sup>1</sup> Counsel for Defendants further advised Plaintiffs that they would agree to, but not join in, a motion that sought an extension of up to sixty (60) pages for each side. To ensure an adequate number of pages for the parties to address the factual and legal arguments relating to class certification, however, Plaintiffs respectfully request that this Court grant an extension of the page limitations to seventy (70) pages for each party.

WHEREFORE, for the reasons set forth herein, Plaintiffs respectfully request that this Court grant their Unopposed Motion to Exceed the Page Limitations for Briefing on Plaintiffs' Motion for Class Certification to a total of seventy (70) pages per side.

Dated: February 26, 2018

By: /s/ Joshua Tom  
Joshua Tom

SIMPSON THACHER & BARTLETT LLP  
Jonathan K. Youngwood (*pro hac vice*)  
Janet A. Gochman (*pro hac vice*)  
Isaac Rethy (*pro hac vice*)  
Kavitha S. Sivashanker (*pro hac vice*)  
Nihara K. Choudhri (*pro hac vice*)  
Christopher Shields (*pro hac vice*)  
Brooke Jarrett (*pro hac vice*)  
Christopher Jumin Lee (*pro hac vice*)  
425 Lexington Avenue  
New York, NY 10017  
(212) 455-2000  
jyoungwood@stblaw.com  
jgochman@stblaw.com  
irethy@stblaw.com  
kavitha.sivashanker@stblaw.com  
nchoudhri@stblaw.com  
christopher.shields@stblaw.com  
bonnie.jarrett@stblaw.com  
christopherjumin.lee@stblaw.com

AMERICAN CIVIL LIBERTIES UNION  
OF MISSISSIPPI FOUNDATION  
Joshua Tom (Miss. Bar No. 105392)  
233 East Capitol Street  
Jackson, MS 39201  
(601) 354-3408  
JTom@aclu-ms.org

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
Ezekiel Edwards (*pro hac vice*)  
Jeffery Robinson (*pro hac vice* forthcoming)  
125 Broad Street  
New York, NY 10004  
(212) 549-2610  
eedwards@aclu.org  
jrobinson@aclu.org

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 26, 2018, I caused the foregoing **PLAINTIFFS'** **UNOPPOSED MOTION TO EXCEED THE PAGE LIMITATIONS FOR BRIEFING ON PLAINTIFFS' MOTION FOR CLASS CERTIFICATION** to be electronically filed with the Clerk of the Court using the CM/ECF system, which has generated and delivered electronic notice of filing to all counsel of record who have consented to electronic service.:.

*/s/ Joshua Tom* \_\_\_\_\_

## **EXHIBIT A**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

LATOYA BROWN; LAWRENCE BLACKMON; HERBERT ANTHONY GREEN; KHADAFY MANNING; QUINNETTA MANNING; MARVIN MCFIELD; NICHOLAS SINGLETON; STEVEN SMITH; BESSIE THOMAS; and BETTY JEAN WILLIAMS TUCKER, individually and on behalf of a class of all others similarly situated,

Plaintiffs,

v.

MADISON COUNTY, MISSISSIPPI; SHERIFF RANDALL S. TUCKER, in his official capacity; and MADISON COUNTY SHERIFF'S DEPUTIES JOHN DOES #1 through #6, in their individual capacities,

Defendants.

Civil Action No.  
3:17-cv-00347-WHB-LRA

**[PROPOSED] ORDER GRANTING PLAINTIFFS'  
UNOPPOSED MOTION TO EXCEED THE PAGE LIMITATIONS  
FOR BRIEFING ON PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

WHEREAS, Plaintiffs have moved the Court (the "Motion") for an Order granting an extension of the page limitations set forth in Local Rule 7(b)(5) for the briefing on Plaintiffs' forthcoming motion for class certification (the "Class Certification Motion") to seventy (70) pages for each side, with Plaintiffs' allotment of pages divided between Plaintiffs' opening memorandum of law and Plaintiffs' reply memorandum of law; and

WHEREAS, Defendants do not oppose the relief requested by Plaintiffs in the Motion; and

WHEREAS, the Court, having considered the Motion, hereby orders that the Motion be GRANTED,

IT IS HEREBY ORDERED THAT:

1. Plaintiffs' original and rebuttal memorandum briefs in support of their forthcoming Class Certification Motion together may not exceed a total of seventy (70) pages.
2. Defendants' memorandum brief in response to Plaintiffs' forthcoming Class Certification Motion may not exceed seventy (70) pages.

SO ORDERED, this \_\_\_\_ day of February, 2018.

---

LINDA R. ANDERSON  
UNITED STATES MAGISTRATE JUDGE